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10/807,030

03/23/2004

Christoph Lindenschmidt

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08/01/2006

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EXAMINER

PANG, ROGER L

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                      |  |
|------------------------------|------------------------|--|----------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b>  |  |
|                              | 10/807,030             |  | LINDENSCHMIDT ET AL. |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>      |  |
|                              | Roger L. Pang          |  | 3681                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The following action is in response to the amendment filed for application 10/807,030 on June 19, 2006.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gierer '027 in view of Sponable '149. With regard to claims 1 and 14, Gierer teaches a device for controlling an electrically-operated holding magnet 5 of a parking lock 15 of a motor vehicle transmission, the holding magnet being supplied with power via a transmission control 19 resettable to a basic setting and for holding the parking lock in a disengaged state, wherein power is supplied to the magnet to hold the parking lock in the disengaged state. Gierer lacks the teaching of a specific method of operating the device. Sponable teaches a device for controlling an electrically-operated actuator 10 of a parking lock 94, wherein power 104 is supplied via a transmission control resettable to a basic setting (i.e. Neutral), the device comprising an apparatus for bridging a reset operation of the transmission control (Fig. 1), the apparatus keeping the parking lock disengaged during the reset operation (Col. 5; keeps the parking lock off unless in Park). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gierer to employ the parking lock operation method of Sponable, in order to simplify the integration of various safety features and prevent the shifting into or out of

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park lock during incorrect times (Col. 1). With regard to claims 2 and 15, Gierer and *Sponable* teaches the device wherein the apparatus interrupts the power supply of the holding magnet as a function of a condition indicating that the parking lock is to be engaged (Col. 2; *Col. 5*). With regard to claim 6, Gierer and *Sponable* teach the device wherein the apparatus has a condition that indicates that the parking lock is to be engaged, thus interrupting an energy supply circuit of the holding magnet, but lacks the specific teaching of a relay or transistor being activated to relay said park signal (via 20). It is inherent that the device has a relay or a transistor energized as a function of the parking lock being needed to be engaged (via control of 20), since a positive signal for said control is known in the art. With regard to claim 16, Gierer and *Sponable* teach the method wherein the condition represents an intent of a driver for the parking lock to be engaged (*pressing P*), the condition being met by an action triggered by the driver.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gierer in view of *Sponable* as applied to claim 1 above, and further in view of Knappe '957. With regard to claim 4, Gierer and *Sponable* teach the device wherein the apparatus has an electric circuit, wherein the circuit maintains a power supply of the holding magnet during the reset operation, but lacks the teaching of an energy storer. Knappe teaches an electric circuit for an actuator including an electric energy storer C. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gierer in view of *Sponable* to employ an energy storer in further view of Knappe in order to accelerate the disengagement of the parking lock (page 1). With regard to claim 5, Knapp teaches the device wherein the electric energy storer is a capacitor C.

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant argues that neither Gierer or Sponable teach an apparatus for bridging a reset operation of the transmission control.

To clarify, the teaching of the apparatus of Gierer is being used as the primary reference. Gierer has a parking lock that has a holding magnet for the holding the parking lock in a disengaged state. However, Gierer is silent as to the many ways said apparatus can be controlled.

Sponable teaches a parking lock (regardless of its particular structure) that is controlled to keep the parking lock disengaged unless the transmission is shifted to Park.

Applicant has only claimed a broad limitation of “bridging a reset operation of the transmission control, the apparatus maintaining a power supply of the holding magnet during the reset operation.” In this particular case, the limitation of “bridging” is interpreted as “connecting to a powering means” during a reset operation. The “reset operation” is being interpreted as having the transmission anywhere but P. Sponable teaches this control, and the controls of Sponable (not the structure) are used to control the apparatus of Gierer.

If applicant believes “bridging a reset operation” has a different meaning, applicant should clearly claim the limitations that would better define the phrase. Applicant’s arguments have been considered, but are not persuasive.

### FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Roger E. Pang  
Primary Examiner  
Art Unit 3681

July 26, 2006